

# **JOURNAL OF THE SENATE**

## **EIGHTY-EIGHTH SESSION**

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THIRTY-SECOND DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Thursday, February 28, 2013

The Senate convened at 12:30 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Reverend Tom Christenson, followed by the Pledge of Allegiance led by Senate page Paul Christenson.

Roll Call: All members present except Sens. Frerichs and Sutton who were excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the thirty-first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Corey Brown, Chair

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared SB 6, 74, 83, 96, 115, 119, 130, 145, 156, and 227 and finds the same correctly enrolled.

Respectfully submitted,  
Corey Brown, Chair

Also MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration HB 1151 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration HB 1130, which was removed from the table, and returns the same with the recommendation that said bill be amended as follows:

1130rc

On the printed bill, delete everything after the enacting clause and insert:

"Section 1. That § 58-22-1 be amended to read as follows:

58-22-1. The following words when Terms used in this chapter shall have the following meanings mean:

(1) "Bail bond," cash, property or surety given to obtain a defendant's release;

(1A) "Bail bondsman," shall mean a surety bondsman, professional bondsman, or a property bondsman as hereinafter defined;

(1B) "Cash," the coins and bills issued by the government of the United States and does not include the transfer of funds electronically;

(2) "Insurer," ~~shall mean~~ any domestic, foreign, or alien surety company which has qualified generally to transact surety business and specifically to transact bail bond business in this state;

- 1 (3) "Professional bondsman," ~~shall mean~~ any person who has been approved by the  
2 director and who pledges cash or approved unregistered bonds as security for a bail  
3 bond in connection with a judicial proceeding and receives or is promised money or  
4 other things of value;
- 5 (4) "Property bondsman," ~~is~~ a person who pledges real or other property as security for  
6 a bail bond in a judicial proceeding and who receives or is promised money or other  
7 things of value therefor;
- 8 (5) "Runner," ~~shall mean~~ a person employed by a bail bondsman for the purpose of  
9 assisting the bail bondsman in presenting the defendant in court when required or to  
10 assist in apprehension and surrender of defendant to the court, or keeping defendant  
11 under necessary surveillance. This does not affect the right of a bail bondsman to hire  
12 counsel or to ask assistance of law enforcement officers;
- 13 (6) "Surety bondsman," ~~shall mean~~ any person who has been approved by the director and  
14 appointed by an insurer by power of attorney to execute or countersign bail bonds for  
15 the insurer in connection with judicial proceedings and who receives or is promised  
16 money or other things of value therefor."

17 1130rb

18 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "define  
19 certain terms relating to bail bonds."

20 On page 1, delete line 2.

21 And that as so amended said bill do pass.

22 Also MR. PRESIDENT:

23 The Committee on Judiciary respectfully reports that it has had under consideration  
24 HB 1171 and returns the same with the recommendation that said bill be amended as follows:

25 1171jb

26 On page 2, after line 5 of the House Judiciary Committee engrossed bill, insert:

27 "Section 2. That § 43-45-4 be amended to read as follows:

28 43-45-4. In addition to the property provided for in §§ 43-45-2 and 43-45-3, the debtor, if  
29 the head of a family, may, personally, or by agent or attorney, select from all other of the debtor's  
30 personal property, not absolutely exempt, goods, chattels, merchandise, money, or other personal  
31 property not to exceed in the aggregate ~~six~~ seven thousand dollars in value; and, if not the head  
32 of a family, property as aforesaid of the value of ~~four~~ five thousand dollars, which is also exempt,  
33 and which shall be chosen and appraised as provided by law."

1 And that as so amended said bill do pass.

2 Respectfully submitted,  
3 Craig Tieszen, Chair

4 Also MR. PRESIDENT:

5 The Committee on Agriculture and Natural Resources respectfully reports that it has had  
6 under consideration HB 1123 and returns the same with the recommendation that said bill do  
7 pass.

8 Also MR. PRESIDENT:

9 The Committee on Agriculture and Natural Resources respectfully reports that it has had  
10 under consideration HB 1124, 1149, 1152, 1167, and 1246 and returns the same with the  
11 recommendation that said bills do pass and be placed on the consent calendar.

12 Also MR. PRESIDENT:

13 The Committee on Agriculture and Natural Resources respectfully reports that it has had  
14 under consideration HB 1168 and returns the same with the recommendation that said bill be  
15 amended as follows:

16 1168ra

17 On page 1, line 7, of the printed bill, delete "~~twenty-five~~ seventy-five cents" and insert  
18 "~~twenty-five cents~~ one dollar".

19 On page 1, line 8, delete "~~six~~" and insert "~~six cents~~ one dollar".

20 On page 1, line 9, delete "seventy-five cents".

21 And that as so amended said bill do pass.

22 Respectfully submitted,  
23 Shantel Krebs, Chair

24 Also MR. PRESIDENT:

25 The Committee on Education respectfully reports that it has had under consideration  
26 HB 1198 and returns the same with the recommendation that said bill do pass.

1 Also MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration  
3 HB 1204 and 1213 which were deferred to the 41<sup>st</sup> Legislative Day.

4 Respectfully submitted,  
5 J. Mark Johnston, Chair

6 **MESSAGES FROM THE HOUSE**

7 MR. PRESIDENT:

8 I have the honor to return herewith SB 6, 74, 83, 115, 119, 130, and 227 which have passed  
9 the House without change.

10 Also MR. PRESIDENT:

11 I have the honor to return herewith SB 34, 44, 84, 147, 174, and 198 which have been  
12 amended by the House and your concurrence in the amendments is respectfully requested.

13 Also MR. PRESIDENT:

14 I have the honor to inform your honorable body that the House has concurred in Senate  
15 amendments to HB 1048 and 1058.

16 Also MR. PRESIDENT:

17 I have the honor to inform your honorable body that the House has appointed Reps. Verchio,  
18 Duvall, and Ring as a committee of three on the part of the House to meet with a like committee  
19 on the part of the Senate to adjust the differences between the two houses on SB 151.

20 Respectfully,  
21 Arlene Kvislen, Chief Clerk

22 **MOTIONS AND RESOLUTIONS**

23 SENATE PAGE RESOLUTION 4 Introduced by: Senators Adelstein; Begalka; Bradford;  
24 Brown; Buhl; Ewing; Frerichs; Heineman, Phyllis; Holien; Hunhoff, Jean; Jensen; Johnston;  
25 Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup, Al; Olson, Russell;  
26 Omdahl; Otten, Ernie; Peters; Rempelberg; Rave; Rhoden; Soholt; Sutton; Tidemann; Tieszen;  
27 Van Gerpen; Vehle; Welke; White

1 A RESOLUTION, Expressing the appreciation and gratitude of the Senate of the Eighty-eighth  
2 Legislature of the State of South Dakota to Paul Christenson, Adrian Del Grosso, Alexandra  
3 Mattern, Alex Nagel, Kristen Rarrat, Kelcey Robbennolt, Megan Rodgers, Marie Stucke,  
4 Jenna Vogel, Kevin Wagner, Kristin Wileman

5 WHEREAS, the above named served loyally as pages for the Senate of the Eighty-eighth  
6 Legislative Session; and

7 WHEREAS, the members of the Eighty-eighth Senate express their most sincere  
8 appreciation to these young people for their service to the state; and

9 WHEREAS, the members extend to these young people their wishes for every success in  
10 life:

11 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-eighth Legislature  
12 of the State of South Dakota, that a personal copy of this resolution be duly certified and  
13 furnished to each page on this last day of service.

14 Sen. Omdahl moved that Senate Page Resolution 4 be adopted.

15 The question being on Sen. Omdahl's motion that Senate Page Resolution 4 be adopted.

16 And the roll being called:

17 Yeas 33, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean);  
20 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);  
21 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Tidemann;  
22 Tieszen; Van Gerpen; Vehle; Welke; White

23 Excused:

24 Frerichs; Sutton

25 So the motion having received an affirmative vote of a majority of the members-elect, the  
26 President declared the motion carried.

27 Sen. Maher moved that the Senate do concur in House amendments to SB 1.

28 The question being on Sen. Maher's motion that the Senate do concur in House amendments  
29 to SB 1.

30 And the roll being called:

1 Yeas 32, Nays 0, Excused 3, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean);  
4 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);  
5 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann;  
6 Tieszen; Vehle; Welke; White

7 Excused:

8 Frerichs; Sutton; Van Gerpen

9 So the motion having received an affirmative vote of a majority of the members-elect, the  
10 President declared the motion carried and the amendments were concurred in.

11 Sen. Olson moved that the Senate do not concur in House amendments to SB 5 and that a  
12 committee of three on the part of the Senate be appointed to meet with a like committee on the  
13 part of the House to adjust the differences between the two houses.

14 Which motion prevailed and the President announced as such committee Sens. Olson,  
15 White, and Lucas.

16 Sen. Tieszen moved that the Senate do not concur in House amendments to SB 39 and that  
17 a committee of three on the part of the Senate be appointed to meet with a like committee on the  
18 part of the House to adjust the differences between the two houses.

19 Which motion prevailed and the President announced as such committee Sens. Tieszen,  
20 Vehle, and Welke.

21 Sen. Maher moved that the Senate do concur in House amendments to SB 80.

22 The question being on Sen. Maher's motion that the Senate do concur in House amendments  
23 to SB 80.

24 And the roll being called:

25 Yeas 32, Nays 1, Excused 2, Absent 0

26 Yeas:

27 Adelstein; Begalka; Brown; Buhl; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen;  
28 Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Olson  
29 (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann;  
30 Tieszen; Van Gerpen; Vehle; Welke; White

1 Nays:

2 Bradford

3 Excused:

4 Frerichs; Sutton

5 So the motion having received an affirmative vote of a majority of the members-elect, the  
6 President declared the motion carried and the amendments were concurred in.

7 Sen. Peters moved that consideration of House amendments on SB 120 be deferred to  
8 Monday, March 4, the 33<sup>rd</sup> legislative day.

9 Which motion prevailed.

10 Sen. Hunhoff moved that the Senate do concur in House amendments to SB 71.

11 The question being on Sen. Hunhoff's motion that the Senate do concur in House  
12 amendments to SB 71.

13 And the roll being called:

14 Yeas 33, Nays 0, Excused 2, Absent 0

15 Yeas:

16 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean);  
17 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);  
18 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann;  
19 Tieszen; Van Gerpen; Vehle; Welke; White

20 Excused:

21 Frerichs; Sutton

22 So the motion having received an affirmative vote of a majority of the members-elect, the  
23 President declared the motion carried and the amendments were concurred in.

24 Sen. Olson moved that HB 1237 be placed to precede HB 1030 on today's calendar.

25 Which motion prevailed.

26 **CONSIDERATION OF REPORTS OF COMMITTEES**

27 Sen. Olson moved that the reports of the Standing Committees on



1 Local Government on HB 1085 as found on page 593 of the Senate Journal; also  
2 Appropriations on HB 1096 as found on page 593 of the Senate Journal; also  
3 Appropriations on HB 1050 as found on page 593 of the Senate Journal; also  
4 Health and Human Services on HB 1233 as found on page 596 of the Senate Journal; also  
5 State Affairs on HB 1045 as found on page 597 of the Senate Journal; also  
6 State Affairs on HB 1098 as found on page 597 of the Senate Journal be adopted.  
7 Which motion prevailed.

8 **SECOND READING OF CONSENT CALENDAR ITEMS**

9 Sen. Brown requested that HB 1122 be removed from the Consent Calendar.

10 HB 1120: FOR AN ACT ENTITLED, An Act to allow regional intergovernmental  
11 cooperation for sewer utilities and to provide for the establishment of rates and charges.

12 Was read the second time.

13 The question being "Shall HB 1120 pass?"

14 And the roll being called:

15 Yeas 33, Nays 0, Excused 2, Absent 0

16 Yeas:

17 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean);  
18 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);  
19 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann;  
20 Tieszen; Van Gerpen; Vehle; Welke; White

21 Excused:

22 Frerichs; Sutton

23 So the bill having received an affirmative vote of a majority of the members-elect, the  
24 President declared the bill passed and the title was agreed to.

25 HB 1056: FOR AN ACT ENTITLED, An Act to revise various trust and trust company  
26 provisions.

1 Was read the second time.

2 The question being "Shall HB 1056 pass as amended?"

3 And the roll being called:

4 Yeas 33, Nays 0, Excused 2, Absent 0

5 Yeas:

6 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean);  
7 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);  
8 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann;  
9 Tieszen; Van Gerpen; Vehle; Welke; White

10 Excused:

11 Frerichs; Sutton

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 President declared the bill passed and the title was agreed to.

14 HB 1170: FOR AN ACT ENTITLED, An Act to revise certain provisions for a secondary  
15 election if the candidates for the United States Senate, United States House of Representatives,  
16 or Governor do not receive a sufficient percentage of the votes cast during a primary election.

17 Was read the second time.

18 The question being "Shall HB 1170 pass?"

19 And the roll being called:

20 Yeas 33, Nays 0, Excused 2, Absent 0

21 Yeas:

22 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean);  
23 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);  
24 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann;  
25 Tieszen; Van Gerpen; Vehle; Welke; White

26 Excused:

27 Frerichs; Sutton

28 So the bill having received an affirmative vote of a majority of the members-elect, the  
29 President declared the bill passed and the title was agreed to.

1 HB 1209: FOR AN ACT ENTITLED, An Act to prohibit certain persons who fail to pay  
2 certain campaign finance related penalties from running for office.

3 Was read the second time.

4 The question being "Shall HB 1209 pass as amended?"

5 And the roll being called:

6 Yeas 33, Nays 0, Excused 2, Absent 0

7 Yeas:

8 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean);  
9 Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al);  
10 Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Tidemann;  
11 Tieszen; Van Gerpen; Vehle; Welke; White

12 Excused:

13 Frerichs; Sutton

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 President declared the bill passed and the title was agreed to.

16 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

17 HB 1237: FOR AN ACT ENTITLED, An Act to revise certain provisions to abortion  
18 counseling.

19 Was read the second time.

20 The question being "Shall HB 1237 pass as amended?"

21 And the roll being called:

22 Yeas 24, Nays 9, Excused 2, Absent 0

23 Yeas:

24 Begalka; Brown; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Johnston;  
25 Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Olson (Russell); Omdahl; Otten  
26 (Ernie); Peters; Rampelberg; Rave; Rhoden; Van Gerpen; Vehle; White

27 Nays:

28 Adelstein; Bradford; Buhl; Jones; Lucas; Soholt; Tidemann; Tieszen; Welke



1 SB 227: FOR AN ACT ENTITLED, An Act to revise provisions relating to the possession  
2 of firearms on snowmobiles.

3 And signed the same in the presence of the Senate.

#### 4 **COMMEMORATIONS**

5 SC 21 Introduced by: Senators Otten (Ernie), Brown, Olson (Russell), and Rave and  
6 Representatives Otten (Herman) and Latterell

7 A LEGISLATIVE COMMEMORATION, Honoring Mrs. Laura Kuper on her ninety-seventh  
8 birthday.

9 WHEREAS, Laura Kuper was born on a farm nine miles north of Worthing, South Dakota,  
10 on February 15, 1916, to Fred and Bertha (Reamers) Mausbach; and

11 WHEREAS, Laura married John Kuper on July 2, 1932; and

12 WHEREAS, Laura and John farmed until their children were grown and then moved to  
13 Sacramento, California. While living in Sacramento, Laura became a Certified Librarian and  
14 development curriculum for school systems at a district resource center for training library clerks;  
15 and

16 WHEREAS, Laura and John raised four children, and have twelve grandchildren and nine  
17 great grandchildren:

18 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the  
19 State of South Dakota, that Mrs. Laura Kuper be honored on her ninety-seventh birthday.

20 SC 22 Introduced by: Senators Van Gerpen, Adelstein, Begalka, Bradford, Brown, Buhl,  
21 Ewing, Frerichs, Heineman (Phyllis), Holien, Hunhoff (Jean), Johnston, Jones, Kirkeby, Krebs,  
22 Lederman, Lucas, Maher, Monroe, Novstrup (Al), Olson (Russell), Omdahl, Otten (Ernie),  
23 Peters, Rampelberg, Rave, Rhoden, Soholt, Sutton, Tidemann, Tieszen, Vehle, Welke, and White  
24 and Representatives Schoenfish, Bartling, Bolin, Campbell, Carson, Erickson, Feinstein,  
25 Greenfield, Hajek, Heinert, Hoffman, Hunhoff (Bernie), Johns, Kaiser, May, Miller, Nelson,  
26 Novstrup (David), Parsley, Qualm, Rasmussen, Rounds, Solum, Stevens, Westra, and Wick

27 A LEGISLATIVE COMMEMORATION, Celebrating and honoring Tabor's Annual Czech Days  
28 Festivities on the occasion of its sixty-fifth anniversary on June 20, 21, and 22, 2013.

29 WHEREAS, Czech immigrants have enriched the culture of South Dakota with their  
30 exceptional and traditional achievements in music, literature, and art, and are known for their  
31 love of agriculture, mechanical arts, and democracy, which they strive to preserve for future  
32 generations; and

1 WHEREAS, this year's Czech Days Royalty are Queen Raquel Sutura, Princess McKensie  
2 Sedlacek, and Prince Bryce Dangler; and

3 WHEREAS, Czech Days offers a variety of exhibits, attractions, events, and entertainment,  
4 including the Czech Heritage Museum; Blachnik Museum; St. Wenceslaus Church; programs  
5 for adults and children in Sokol Park; live Czech music in Beseda Hall; recognition of former  
6 Czech Days queens; a variety of Czech foods, including kolaches; kolache baking  
7 demonstrations; adult and youth parades; a craft fair; a pedal tractor pull; a Tabor Bluebird  
8 baseball game; and the Rich Schild Memorial Fireworks Display to start the celebration on the  
9 evening of June twentieth.

10 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the  
11 State of South Dakota, that the Legislature recognizes all South Dakotans of Czech ancestry and  
12 invites everyone to participate in the sixty-fifth Tabor Czech Days celebration on June 20, 21,  
13 and 22, 2013.

14 Sen. Van Gerpen moved that the Senate do now adjourn, which motion prevailed and at  
15 2:25 p.m. the Senate adjourned.

16 Jeannette Schipper, Secretary